



County of Fairfax, Virginia

October 2, 2015

**2015 Planning
Commission**

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Assistant Director

John W. Cooper
Clerk to the Commission

Noah Klein
Odin, Feldman & Pittleman, PC
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190

**Re: SE 2015-DR-016/2232-D15-6 – VIRGINIA DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION o/b/o THE WASHINGTON
METROPOLITAN AREA METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY (MWAA)**

Dear Mr. Klein:

At its October 1, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to **RECOMMEND APPROVAL** of SE 2015-DR-016 to the Board of Supervisors, subject to the development conditions dated September 16, 2015, as attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

Concurrently, the Planning Commission voted 10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to **APPROVE** 2232-D15-6, pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended. A copy of the verbatim transcript is attached.


This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,

for / John W. Cooper

John W. Cooper
Clerk,
Planning Commission

cc: John Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
William O'Donnell, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
October 1, 2015 date file

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APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

SE 2015-DR-016

September 16, 2015

The Board of Supervisors approved SE 2015-DR-016 located at Tax Map 15-2 ((1)) 13A pt.) for electrically-powered regional rail transit facilities pursuant to Sects. 6-405 and 9-405 of the Fairfax County Zoning Ordinance and conditioned the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Innovation Center Station – South," prepared by Dewberry dated March 16, 2015 and revised through April 28, 2015. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the development conditions approved by the Board of Supervisors shall be included in all relevant plans, as determined by the Department of General Services (DGS) and/or the Metropolitan Washington Airports Authority (MWAA).
5. Certification from DGS and/or MWAA shall be provided to the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
6. Stormwater management plans shall be reviewed and approved by the Department of Environmental Quality (DEQ), which assumed responsibility from the Virginia Department of Conservation and Resources for the Virginia Stormwater Management Act, Virginia Erosion and Sediment Control Act, and Chesapeake Bay Preservation Act and shall also be based on the Cooperative Agreement dated July 19, 2007 between the County and the Metropolitan Washington Airports Authority. The stricter of the state or Fairfax County standards shall be applied by the State reviewing authority.

7. Erosion and Sediment control plans shall be implemented as determined by DEQ. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.
8. A minimum of ten (10) bicycle racks shall be installed underneath the pedestrian bridge (north of the pavilion entrance and south of Sunrise Valley Drive), in consultation with FCDOT. Maintenance of these bicycle racks shall be provided by Fairfax County.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Planning Commission Meeting
October 1, 2015
Verbatim Excerpt

SE 2015-DR-016/2232-D15-6 – VIRGINIA DEPARTMENT OF RAIL AND PUBLIC
TRANSPORTATION o/b/o THE WASHINGTON METROPOLITAN AREA METROPOLITAN
WASHINGTON AIRPORTS AUTHORITY (MWA)

After Close of the Public Hearing

Chairman Murphy: Without objection – public hearing is closed. Recognize Mr. Ulfelder.

Commissioner Ulfelder: Barely. Mr. Klein, would you come forward? Yes. Would you confirm for the record that the applicants agree with the proposed development conditions now dated September 16th, 2015?

Noah Klein, Applicant's Agent, Odin, Feldman & Pittleman, PC: I so confirm.

Commissioner Ulfelder: Okay. Thank you. This is another one of the Silver Line entrances for the – for what will be here eventually – the extensions part – the second part of the Silver Line. This is the southern entrance at the innovation center, which used to be the – was called the Route 28 center. And we're just approving the pavilion there, as well as the elevated pedestrian walkway. There's one slight difference with this than some of the others. They found a little extra room for some additional bike lockers underneath the – underneath the proposed pedestrian walkway. If you recall, at the Wiehle Avenue parking garage, the people – they ran out of spaces quickly for bicyclists. There's a lot of people prepared to use bicycles as their way to get to the Metro. And we want to do whatever we can to help them do that. With that, I concur with staff's conclusion that the proposed electrically-powered regional rail transit facilities, to be located on the south side of the Dulles Airport Access Road and at the – at the Innovation Station – proposed Innovation Station of the Silver Line – satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND 2232-D15-6, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. And, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-DR-016, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 16TH, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All right, first – all those in favor of the motion to approve 2232-D15-6, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And secondly, all those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-DR-016, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(Each motion carried by a vote of 10-0. Commissioner Hedetniemi and Lawrence were absent from the meeting.)

JLC